

Chad R. Fears, Esq. (SBN 6970)
EVANS FEARS SCHUTTERT MCNULTY
MICKUS
6720 Via Austi Parkway, Suite 300
Las Vegas, Nevada 89119
Telephone: 702-805-0290
Facsimile: 702-805-0291
Email: cfears@efsmlaw.com

Jennifer Insley-Pruitt (*pro hac vice*)
DECHERT LLP
Three Bryant Park
1095 Avenue of the Americas
New York, NY 10036
(212) 698-3500 (Telephone)
(212) 698-3599 (Facsimile)
Email: jennifer.insley-pruitt@dechert.com

Jeffrey S. Edwards (*pro hac vice*)
Luke M. Reilly (*pro hac vice*)
Eric Rotteveel (*pro hac vice*)
DECHERT LLP
Cira Centre, 2929 Arch Street
Philadelphia, PA 19104
(215) 994-4000 (Telephone)
(215) 994-2222 (Facsimile)
Email: luke.reilly@dechert.com

Attorneys for Defendants CVS Pharmacy, Inc. and Asembia, LLC

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ADHERENCE d/b/a of MORISKY
MEDICATION ADHERENCE RESEARCH
LLC, a Nevada limited liability company,

Plaintiff,

1

CVS PHARMACY, INC., a Rhode Island corporation; and ASEMBIA, LLC, a Delaware limited liability company.

Defendants.

Case No. 2:24-cv-01590-JCM-NJK

**DEFENDANT ASEMBIA LLC'S
MOTION TO FILE UNDER SEAL
PORTIONS OF ITS MOTION FOR
SUMMARY JUDGMENT**

1 Pursuant to Fed. R. Civ. P. 5.2 and LR IA 10-5, Defendants CVS Pharmacy, Inc. (“CVS”)
2 and Asembia, LLC (“Asembia”, collectively “Defendants”), by and through its counsel of record,
3 respectfully requests leave to file under seal, at least temporarily, its Motion for Summary Judgment
4 (the “Motion”), including the Memorandum of Points and Authorities in Support Thereof, the
5 Declaration of Jennifer Insley-Pruitt, and Exhibits 1-60 (“Subject Exhibits”) and the portions of the
6 those documents that directly quote from, or summarize the contents of, the Subject Exhibits.
7

8 Under Federal Rule of Civil Procedure 5.2(d), “[t]he court may order that a filing be made
9 under seal without redaction. The court may later unseal the filing or order the person who made
10 the filing to file a redacted version for the public record.” A party seeking to seal documents in
11 support of a non-dispositive motion must show “good cause” exists to seal the document in question.
12 *Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1179-80 (9th Cir. 2006).

13 The Stipulated Protective Order (Dkt. No. 60) and the Court’s May 20, 2025 Order (Dkt.
14 No. 61) govern the use and disclosure of confidential information in this case, including the filing
15 of confidential information with Court. Paragraph 5 of the Stipulated Protective Order states that
16 “[a] person or entity who produces information, documents, or other materials may designate them
17 as CONFIDENTIAL when they in good faith believe the information, documents, or materials
18 contains nonpublic proprietary confidential technical, scientific, financial, or business information.”
19 Dkt. No. 60 at 2.

20 Asembia submits this sealing request solely because Plaintiff Adherence, has designated
21 the Subject Exhibits as Confidential under Paragraph 5 of the Stipulated Protective Order. The
22 Motion and accompanying documents summarize and quote these materials. Pursuant to the
23 Court’s May 20, 2025 Order, “[a]ll motions to seal must address the applicable standard and explain
24 why that standard has been met . . . If the sole ground for a motion to seal is that the opposing party
25 (or non-party) has designated a document as confidential, the designator shall file (within seven
26

1 days of the filing of the motion to seal) either (1) a declaration establishing sufficient justification
2 for sealing each document at issue or (2) a notice of withdrawal of the designation(s) and consent
3 to unsealing.” Dkt. No. 61 at 2.

4 In accordance with the requirements of the Stipulated Protective Order, and consistent with
5 the provisions of LR IA 10-5, Asembia requests that the Court allow the temporary sealing of the
6 Counterclaims and Subject Exhibits for the reasons set forth above.
7

8 Dated: July 15, 2025.

9 DECHERT LLP

10 By: /s/ Chad R. Fears

11 Jennifer Insley-Pruitt (*pro hac vice*)
12 Three Bryant Park
13 1095 Avenue of the Americas
14 New York, NY 10036
15 (212) 698-3500 (Telephone)
16 (212) 698-3599 (Facsimile)
17 Email: jennifer.insley-pruitt@dechert.com

18 Chad R. Fears, Esq. (NBN 6970)
19 EVANS FEARS SCHUTTERT MCNULTY
20 MICKUS
21 6720 Via Austi Parkway, Suite 300
22 Las Vegas, Nevada 89119
23 Telephone: 702-805-0290
24 Facsimile: 702-805-0291
25 Email: cfears@efsmmlaw.com

26 Luke M. Reilly (*pro hac vice*)
27 Jeffrey S. Edwards (*pro hac vice*)
28 Eric Rotteveel (*pro hac vice*)
DECHERT LLP
Cira Centre, 2929 Arch Street
Philadelphia, PA 19104
(215) 994-4000 (Telephone)
(215) 994-2222 (Facsimile)
Email: luke.reilly@dechert.com
jeffrey.edwards@dechert.com
eric.rotteveel@dechert.com

29
30 *Attorneys for Defendants CVS Pharmacy, Inc.*
31 *and Asembia, LLC*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of **DEFENDANT ASEMBIA LLC'S MOTION TO FILE UNDER SEAL PORTIONS OF ITS MOTION FOR SUMMARY JUDGMENT** was served on counsel of record this 15th day of July 2025, via the Court's CM/ECF System.

/s/ Faith Radford
An Employee of Evans Fears Schuttet
McNulty Mickus